

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for October 12, 2005 PLANNING COMMISSION MEETING

P.A.S.#: County Change of Zone #05071

PROPOSAL: A Change of Zone from AG Agriculture to AGR Agriculture Residential District on property generally located at the northwest corner of Highway 2 and Highway 43 (S. 162nd Street).

LAND AREA: 80.00 acres, more or less

CONCLUSION: This application is not supported by the Comprehensive Plan or development in the area.

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| RECOMMENDATION: | Denial |
|------------------------|--------|

GENERAL INFORMATION:

LEGAL DESCRIPTION: SE 1/4 and the SW 1/4 of the NE 1/4 of Section 27, T9N, R8E, in the 6th P.M., Lancaster County, Nebraska.

LOCATION: North of the corner of S.162nd Street/ Hwy 43 and Nebraska Hwy 2/Rokeby Road.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: farm land/pasture/farm house.

SURROUNDING LAND USE AND ZONING:

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|----------------------------------|----------|
| North: Agriculture | zoned AG |
| South: Agriculture and one house | zoned AG |
| East: Agriculture, | zoned AG |
| West: Agriculture, one house | zoned AG |

ASSOCIATED APPLICATIONS: None

HISTORY: Changed from AA Rural and Public Use to AG Agriculture in the 1979 zoning update. A change of zone to I Industrial southeast of this parcel was denied in 2005.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Plan shows this as Agriculture. This is not in any Lincoln growth Tier. The 2025 Comprehensive Plan states:

Rural Lancaster County is in transition from an area of predominantly agricultural uses to an area which includes more residential uses. Balancing the strong consumer demand for country style living and the practical challenge of integrating acreages with traditional agricultural land use will continue. Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized. (F69)

“Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot area) and AGR - Agricultural Residential District (minimum of 3 acres per lot area) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies. (F70)

Acknowledge the “Right to Farm” and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages. (F70)

Specific areas will be designated so that approximately 6% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the amount of potential conflict points between farm operations and acreages. (F70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F70)

Development of a performance standard “point system” will allow the location of higher density rural acreage development in either “AG” or “AGR” where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient “points” can be accumulated to justify the development at the requested location.” (F 71)

SPECIFIC INFORMATION:

UTILITIES: This is in the Lancaster County Rural Water District #1. Norris Public Power is the electric provider.

TOPOGRAPHY: Rolling, draining to the east, southeast.

TRAFFIC ANALYSIS: This area is served by the interchange at this location for Nebraska Hwy 2 and Hwy 43/162nd Street. S 162nd is a gravel county road.

PUBLIC SERVICE: This is in the Bennet Rural Fire District and the Bennet Palmyra School District OR-1. This is served by the Lancaster County Sheriffs Department.

REGIONAL ISSUES: Expansion and scattered locations of acreage development.

ENVIRONMENTAL CONCERNS: There are no identified historic or ecological resources on this site. The soil rating on this land is 5.8 on a scale of 1 to 10 where 1 to 4 are prime. This is not prime ag land. There is no FEMA mapped flood plain. No animal confinement was noted in the immediate area. There appears to be a grassed/treed stream through the parcel.

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: Continued agricultural use or four to five residential lots.

ANALYSIS:

1. This proposal is for a change of zone on an 80 acre parcel to allow the creation of acreage lots. No subdivision or water report accompany this application. The AGR district would allow the creation of 26 to 31 lots.

2. This parcel is shown for Agriculture in the 2025 Comprehensive Plan and thus is not in conformance with the Plan.

3. The County Engineer recommends denial. He also notes there is no site plan and this could conflict with the Department of Roads plan to realign S. 148th Street to the 162nd street interchange.

4. As requested by the County Board, no scoring is provided on this application.

5. When the Industrial zoning to the southeast of this site was denied by the County Board, the Board asked staff to work with the village of Bennet to refine the future land use for the "Bennet Corner". The Planning Department has worked with the village and Bennet is hiring a consultant to assist them in updating their Comprehensive Plan and will look beyond their one mile jurisdiction at the Bennet Corner area.

6. Some acreage review issues can be addressed in this report:

a) Water/rural water,
This is in a rural water district. No water information is provided.

b) Road access and paving,
Hwy 2 and 43 are paved highways. S. 162nd Street is a county gravel road.

- c) Soil rating,
The soil is not prime ag land of the county.
- d) Development of the area/land parcelization,
The surrounding land in this area is in substantially larger parcels of 40 and 80 acres in area. A truck stop exists on a smaller parcel on the southeast corner of this interchange.
- e) Existing acreages,
There are no abutting acreage developments.
- f) Conflicting farm uses,
There are no conflicting farm uses noted in a field check.
- g) Environmental issues,
There appears to be a grassed/treed stream through the property.
- h) Impact on other governmental entities,
This will increase demand for service on the Sheriff, Rural Fire, School, Roads and others. The level of impact is not known.
- i) Plans of other towns,
This is beyond the boundaries shown in the 1995 Bennet Comprehensive Plan.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@ci.lincoln.ne.us
Planner
September 29, 2005

APPLICANT: Karen and Jerry Fletcher
3050 S. 72nd Street, #90
Lincoln, NE 68506
(402) 486-3213

CONTACT: Lyle Loth, ESP
601 Old Cheney Rd, Suite A
Lincoln, NE 68512
(402) 421-2500

COCZ #05071

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OWNER:

Karen and Jerry Fletcher
3050 S. 72nd Street, #90
Lincoln, NE 68506
(402) 486-3213

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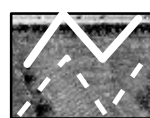
2005 aerial

Change of Zone #05071 S. 162nd & Yankee Hill Rd.

Zoning:

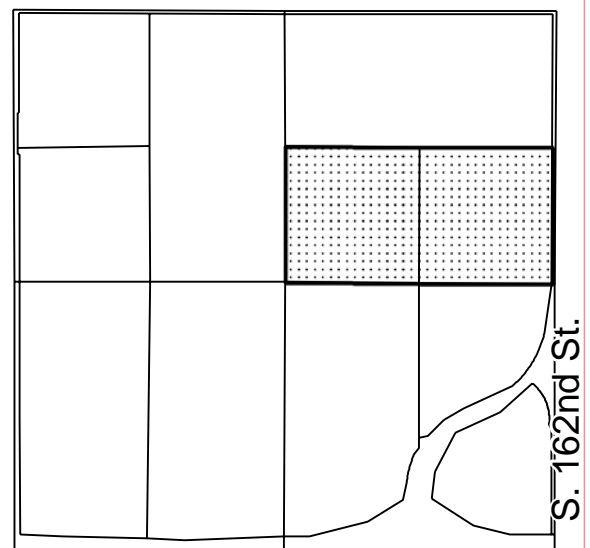
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|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

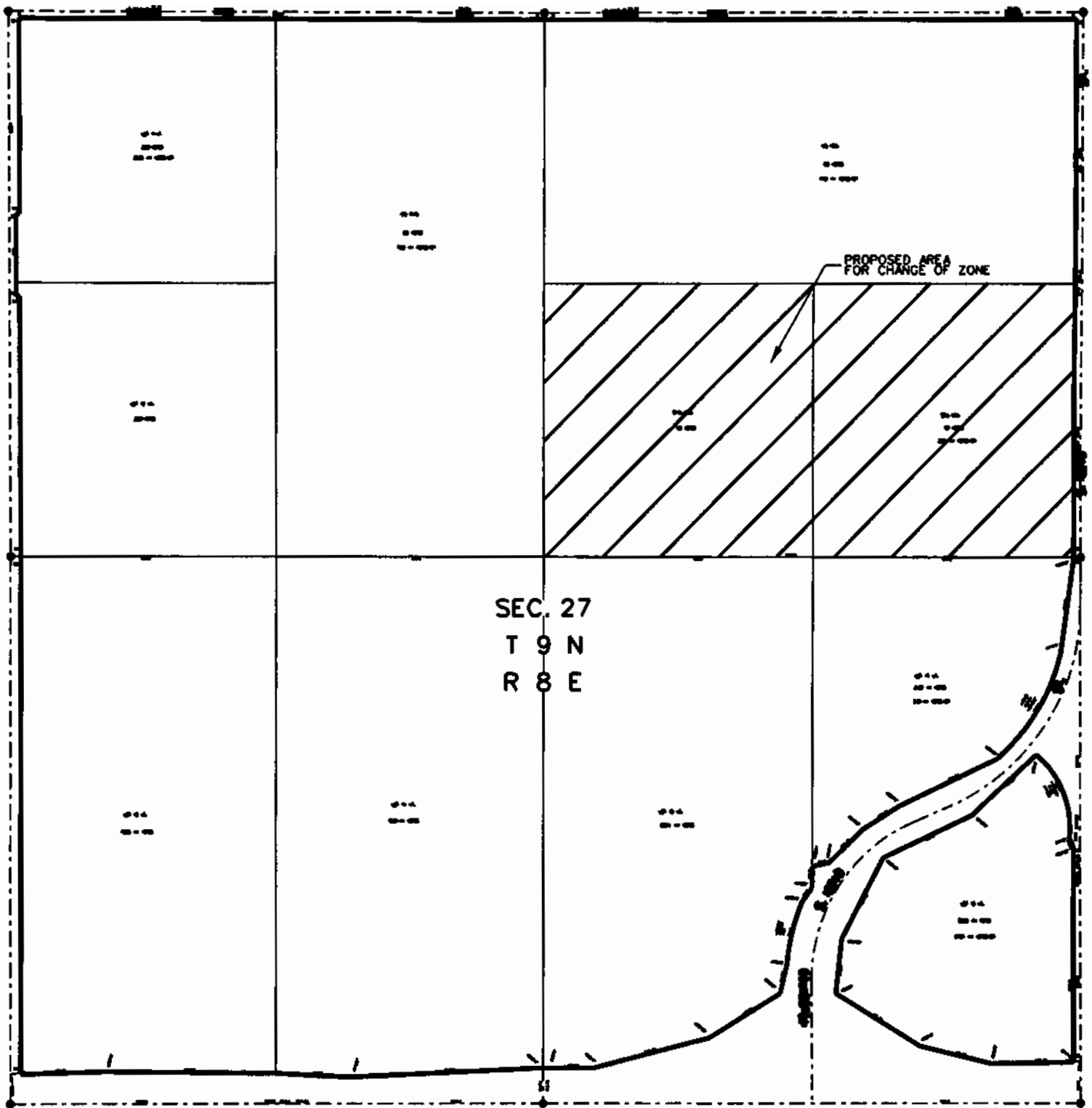
One Square Mile
Sec. 27 T9N R8E



Zoning Jurisdiction Lines

City Limit Jurisdiction





Change of Zone #05071
S. 162nd & Yankee Hill Rd.

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

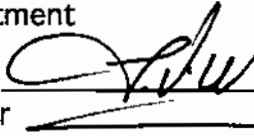
Engineering

Department

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: September 19, 2005

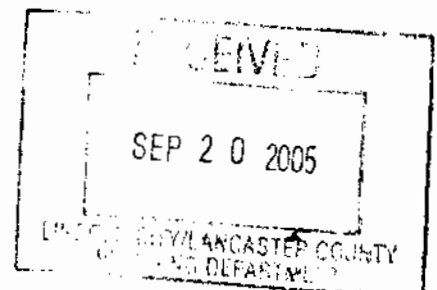
TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell 
County Surveyor

SUBJECT: CHANGE OF ZONE #05071
SOUTH 162ND AND YANKEE HILL ROAD

This office is unable to make a review of this application with out a concept of what is proposed at this location. Therefore we recommend denial at this time. In addition, there is a proposal by the Nebraska Department of Roads to connect South 148th Street to South 162nd Street that may affect this property.

LVW/DP/bml
Phyllis/Zone/#05071 Change of Zone



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

| | |
|---|---|
| TO: Mike DeKalb | DATE: September 26, 2005 |
| DEPARTMENT: Planning | FROM: Chris Schroeder |
| ATTENTION: | DEPARTMENT: Health |
| CARBONS TO: EH File EH Administration | SUBJECT: S. 162 nd & Yankee Hill CZ #05071 |

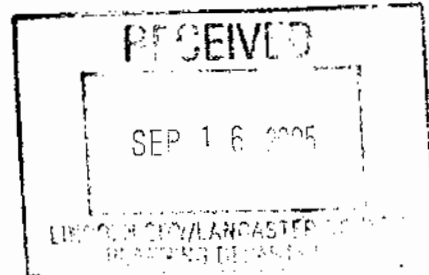
The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the change of zone application with the following noted:

- The LLCHD has no objection to the request for a change of zone from AG to AGR.
- At the time of subdivision, the applicant will be required to submit a water quantity and quality report. The applicant should be aware that water quantity may be an issue in this area.
- At the time of subdivision, the applicant will be required to submit a plan for the provision of on-site wastewater treatment systems for the proposed lots.



AREA 2
SERVICE CENTER

R.R. 1 BOX 56
ROCA, NEBRASKA 68430
402/423-3855
FAX 402/423-8090



September 15, 2005

Mike Dekalb, Project Planner
555 S. 10TH St. #213
Lincoln, NE 68508

RE: S. 162nd and Yankee Hill Rd.

Dear Mike,

I have reviewed the subject plat and see no need for easements at this time.

Thanks for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Rick Volmer".

Rick Volmer, Staking Engineer